



Desegregation Administration

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Samuel E. Brown, Director
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DATE: July 1, 2013
TO: Arizona Department of Education
FROM: Samuel E. Brown, Desegregation Director
RE: FY2014 Desegregation Reporting

Please find below additional information and electronic file references supporting the desegregation reporting requirements of A.R.S. §15-910(J)(3). The letter references included below are applicable to the "FY 2014 Desegregation Verification Reporting" document included with the FY 2014 Adopted Budget submittal.

- (a) A district-wide budget summary and a budget summary on a school by school basis for each school in the school district that lists the sources and uses of monies that are designated for desegregation purposes.

The District's adopted FY2013-2014 budget forms submitted to the Arizona Department of Education (ADE) includes documentation that lists the sources and uses of monies designated for desegregation purposes of a district-wide desegregation budget summary, and a detailed budget for SY13-14 aligned to the Unitary Status Plan and OCR Agreements. (See Attachments A and B)

- (b) A detailed list of desegregation activities on a district-wide basis and on a school by school basis for each school in the school district.

(See Attachments A and B)

- (c) The date that the school district was determined to be out of compliance with Title VI of the civil rights act of 1964 (42 United States Code section 2000d) and the basis for that determination.

January 9, 1973 OCR submitted a letter to the District finding the District in violation of Title VI. The basis for that determination was: unequal access to curriculum, and inappropriate assignment to special education. (See Attachment C)

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June 5, 1978 The United States District Court submitted Findings of Facts and Conclusions of Law indicating that there had been violations of Title VI by the District. (See Attachment D) The parties developed remedies to the violations through a Stipulation of Settlement Agreement, filed in August 1978. (See Attachment E) On January 17, 2005, the District filed a Petition for Unitary Status and Memorandum Regarding Compliance with Stipulation of Settlement setting for in detail the basis for the District's position that it is in full compliance with the Stipulation of Settlement and all subsequent court orders and that the District has achieved unitary status. (See Attachment F) On April 24, 2008, the Federal Court issued an Order that would grant the District's Petition for Unitary Status pending the Court's acceptance of a Post Unitary Plan. The Post Unitary Court Plan was adopted by the Governing Board on July 30, 2009, and the Post Unitary Order was issued on December 18, 2009. (See Attachments G and I)

1983 OCR submitted a complaint letter to the District alleging the District in violation of Title VI. The basis for that determination was: unequal access to quality education and educational opportunities. (See Attachment J)

1996 OCR submitted a complaint letter alleging the District in violation of Title VI. The basis for that determination was: unequal access to educational opportunities for ELL students. (See Attachment K)

2002 OCR submitted a complaint letter alleging the District in violation of Title VI. The basis for that determination was: failure to assess qualified language assistance and failure to provide Limited English Proficient (LEP) families with qualified language assistance either through the use of competent interpreters or a telephone interpreting service. (See Attachment L)

2004 OCR submitted a complaint letter alleging the District in violation of Title VI. The basis for the determination was discrimination against national-origin language minority parents and English language learner (ELL) students by failure to communicate with them in a language they understand. (See Attachment M)

July 19, 2011 The Ninth Circuit Court of Appeals reversed the decision of the U.S. District Court revoking Unitary Status from the District after Plaintiffs appealed the finding of Unitary Status to the Ninth Circuit Court of Appeals. (See Attachment N)

- (d) The initial date that the school district began to levy property taxes to provide funding for desegregation expenses and any dates that these property tax levies were increased.

Documentation of dates that property tax levies were increased for desegregation expenses. (See Attachment O)

- (e) If applicable, a current and accurate description of all magnet type programs that are in operation pursuant to the court order during the current school year on a district-wide basis and on a school by school basis. This information shall contain the eligibility and attendance criteria of each magnet type program, the capacity of each magnet type program, the ethnic composition goals of each magnet type program, the actual attending ethnic composition of each magnet type program and the specific activities offered in each magnet type program.

A list of all current magnet programs within the District is provided in Attachment B. The District will develop a Magnet Plan pursuant to the Unitary Status Plan containing the eligibility, capacity,

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ethnic composition goals and actual attending ethnic composition, and attendance criteria of each magnet school and program. All students are eligible to apply to District magnet programs. The ethnic composition goal of each magnet program is to achieve the definition of an integrated school as described by the Unitary Status Plan. An integrated school is any school in which no racial or ethnic group varies from the district average for that grade level (Elementary School, Middle School, K-8, High School) by more than +/- 15 percentage points, and in which no single racial or ethnic group exceeds 70% of the school's enrollment. (See Also Attachment P)

- (f) The number of pupils who participated in desegregation activities on a district-wide basis is listed by activity.

(See Attachment B)

- (g) A detailed summary of the academic achievement of pupils on a district-wide basis and on a school by school basis for each school in the school district.

The District is required to administer the AIMS to students. Verification of academic achievement of pupils on a district-wide basis and on a school by school basis is made from the results of the AIMS.

- (h) The number of employees, including teachers and administrative personnel, on a district-wide basis and on a school by school basis for each school in the school district that is necessary to conduct desegregation activities.

(See Attachment A)

- (i) The number of employees, including teachers and administrative personnel, on a district-wide basis and on a school by school basis for each school in the school district and the number of employees at school district administrative offices that are funded in whole or in part with desegregation monies received pursuant to this section.

(See Attachment A)

- (j) The amount of monies that is not derived through a primary or secondary property tax levy and that is budgeted and spent on desegregation activities on a district-wide basis and on a school by school basis for each school in the school district.

Every column not labeled deseg or M&O. (See Attachment A)

- (k) Verification that the desegregation funding will supplement and not supplant funding for other academic and extracurricular activities.

The District has verified this requirement, subject to the exceptions required or permitted by state law (see A.R.S. §15-910(G)) and applicable court orders. See attached documentation, regarding the programs and activities funded pursuant to A.R.S. §15-910(G). (See Attachment B) regarding the programs and activities funded pursuant to A.R.S. §15-910(G). Also, please reference former State

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Superintendent of Instruction, Mr. Tom Horne's letter regarding the use of desegregation funds for the state mandated four (4) hour ELD block program. (See Attachment Q)

- (l) Verification that the desegregation funding is educationally justifiable.

The desegregation funding has as its purpose (a) eliminating the vestiges of segregation, (b) integrating schools and promoting diversity, (c) providing all students with equal access to educational opportunities, and (d) enhancing the quality of education for all students, particularly members of the Plaintiffs' class.

- (m) Any documentation that supports the proposition that the requested desegregation funding is intended to result in equal education opportunities for all pupils in the school district.

The requested desegregation funding is intended to implement program and activities that have been adopted by the District and approved by the Federal District Court or the United States Department of Education Office of Civil Rights ("OCR") to remedy alleged discrimination. For FY2014, the District will use desegregation monies in support of the Unitary Status Plan (See Attachment R) and the above identified OCR Compliance needs. Under the Unitary Status Plan, the District will expend its desegregation funds in a way that is intended to guarantee equal access to the curriculum and equal educational opportunities for all students in the District. The federal court approved the 'Unitary Status Plan' on February 20, 2013 and adopted the SY2013-2014 Desegregation Budget on June 7, 2013. (See Attachments S and W)

- (n) Verification that the desegregation funding will be used to promote systemic and organizational changes within the school district.

Desegregation funding is being centralized specifically for the purpose of promoting systemic and organizational changes in the District. In many instances, desegregation funds are used to implement programs or activities, including providing transportation to promote voluntary movement throughout the District, to enhance access to advanced learning experiences and extracurricular activities, to improve the quality of education district wide, to enhance school culture and to refine disciplinary practices to be more equitable, and to provide equal access to facilities and technology. In addition, training and other programs to teachers and administrators have been provided throughout the District. (See Attachments A – B and R)

- (o) Verification that the desegregation funding will be used in accordance with the standards adopted by the State Board of Education pursuant to A.R.S. §§15-704 and 15-701.01.

(See Attachment T)

- (p) Verification that the desegregation funding will be used to accomplish specific actions to remediate proven discrimination pursuant to title VI of the civil rights act of 1964 (42 United States Code section 2000d) as specified in the court order or administrative agreement.

OCR issued a letter on January 9, 1973, finding the District in violation of Title VI. (See Attachment C) Enforcement action pursuant to this finding was halted pending the outcome of the Fisher/Mendoza litigation, the United States Federal District Court in its Order dated June 5, 1978, and the Findings of Facts and Conclusions of Law adopted by that Order, found that there has been violations of Title VI by the District. However, the Stipulation of Settlement subsequently entered into by the parties and approved by the Court explicitly stated that no discrimination had been proven. Notwithstanding the foregoing, A.R.S. §15-910(G) allows the District to use desegregation funding for activities “directed toward remediating alleged or proven discrimination.” The verifications required by A.R.S. §15-910(J)(3)(p) and §15-910(k)(5) are therefore inconsistent with the budget process permitted by A.R.S. §15-910(G). See Attachment B regarding programs and activities funded pursuant to A.R.S. §15-910(G).

- (q) An evaluation by the school district of the effectiveness of the school district's desegregation measures.

An Evaluation by the District of the effectiveness of the District’s desegregation measures under the Unitary Status Plan will be assessed through biannual Status Reports for monitoring the Districts progress in implementation of the Unitary Status Report. In addition, beginning in October 2013, the District will file an Annual Report to the Court regarding the Fisher/Mendoza case addressing the effectiveness of desegregation measures. The October 2013 Annual Report will evaluate the effectiveness of the District’s desegregation measures in SY2012-2013. The October 2014 Annual Report will evaluate the effectiveness of the District’s desegregation measures in SY2013-2014.

- (r) An estimate of when the school district will be in compliance with the court order or administrative agreement and a detailed account of the steps that the school district will take to achieve compliance.

The Parties commit to negotiate in good faith any disputes that may arise, and the Parties may seek judicial resolution of any dispute pursuant to the process set forth in the January 6, 2012 Order Appointing Special Master and as permitted by law. The Parties may move, separately or jointly, for a declaration of partial unitary status at any time. A motion for the determination of complete unitary status shall not be filed prior to the end of the 2016-2017 school year. The applicable provisions of the Federal Rules of Civil Procedure and the local rules of this Court will apply to any such motion. The District has adopted the project management model to implement the Unitary Status Plan. (See Attachments U and V)

- (s) Any other information that the department of education deems necessary to carry out the purposes of this paragraph.

In April 2004, the District submitted to the Arizona Department of Education a comprehensive report on desegregation activities in the District, including substantial documentation regarding the types of programs and activities implemented pursuant to the Stipulation of Settlement and each of the Annual Reports filed by the District in the United States District Court in the Fisher/Mendoza case since October 1978. The District will provide additional copies of these voluminous reports upon request. In addition, the District has attached OCR compliance Reports and Corrective Action Agreements (See Attachments J-M)